

3 Mooring Regulations

3.1 Use of Mooring

Per bylaws as adopted by the Town of Fairhaven, mooring permits are issued to specific people for specific vessels. Each mooring is permitted yearly as a temporary mooring, per Commonwealth of Massachusetts Law by the duly appointed Harbormaster of Fairhaven.

The Harbormaster may approve use of moorings not being used by vessel identified to a registered mooring for no more than five (5) days on no more than three (3) separate occasions per registered year. Notification must be made by email to tcov@fairhaven-ma.gov or via telephone notification not later than forty-eight (48) hours prior to use unless otherwise considered an emergency.

The quantity of moorings in Fairhaven shall be determined by the Harbormaster, with a minimum of 60% of the total population dedicated to recreational moorings.

3.2 Ownership of Mooring Site

Because the land beneath the tidal waters of the Town of Fairhaven is owned by the Commonwealth of Massachusetts and is held for the public trust as part of the public domain, all mooring permits are of a temporary nature and no person has a property right in any mooring location without an express grant by the Commonwealth or express act by the legislature. Burden for establishing such grant or act remains upon person claiming same.

3.3 Mooring Permit Categories

There shall be three categories of moorings subject to permitting: (i) recreational; (ii) commercial; and (iii) municipal.

Only one new recreational mooring permit will be granted to a new applicant for the personal, non-commercial use of the permittee per calendar year. No person may place a vessel other than the "vessel-of-record" on a recreational mooring without prior written authorization of the Harbormaster. A holder of an existing recreational mooring permit will not receive a new annual permit if they have not paid all applicable state and local taxes and waterways fees to the Town of Fairhaven.

A commercial mooring permit may only be granted to a duly organized, and existing business entity with a principal place of business located in the Town of Fairhaven for use as a rental mooring or a commercial vessel. No person or business entity may apply for a commercial mooring permit in furtherance of a passive business endeavor. A holder of a commercial mooring permit may not rent a commercial mooring to a vessel owner who has not paid all applicable state and local taxes and waterways fees to the Town of Fairhaven. A commercial mooring permit is not transferable by sale or assignment. A commercial permittee shall comply with all federal, state, and local laws.

The Town reserves the right to designate moorings for Town use, at the discretion of the Harbormaster.

3.4 Mooring Location

All mooring locations must be approved by the Harbormaster. For new installations, the permanent mooring system, including anchor and ground tackle shall be in accordance with the minimum mooring tackle specifications established herein. A mooring system set without prior authorization of the Harbormaster may be removed immediately by the Harbormaster at the owner's sole expense. Upon issuance of a mooring permit, the Harbormaster shall assign a mooring location to an The Harbormaster may require the removal and reinstallation at the permit holder's expense of any moorings that are found to be greater than 1 meter from the required location.

3.4.1 Mooring Installer Requirements

Mooring positions are to be set using a survey grade, sub-meter accuracy GPS and charting system.

Mooring location fixes are to be taken directly over the point of placement without the use of offsets.

For improved accuracy, fixes on moorings are to be taken with the mooring line pulled tight and perpendicular to the ground, with the GPS antenna directly over the point.

3.5 Application for Mooring Permit

Any person or business who desires an annual permit for the placement on a temporary basis of a recreational or commercial mooring to secure a vessel, float, raft, or related structure held by a permanent bottom-anchored mooring system must submit a written application to the Harbormaster, together with a non-refundable application fee which must be renewed annually. The application fee is for the processing of the application and is separate from any mooring permit fee required herein. No part of a mooring system, including anchor or ground tackle, may be set prior to the issuance of a permit by the Harbormaster for the placement or maintenance of said mooring at a location established and approved by the Harbormaster. Any mooring system set without prior authorization of the Harbormaster may be removed immediately by the Harbormaster and the expense associated therewith will be the responsibility of the applicant/owner and the permit application shall be forfeited.

All moorings in the Town of Fairhaven must be registered yearly via an application process available at the Harbormaster's office during regular business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday. Applications for new or existing moorings may be obtained at the Harbormaster's Office. All applications shall be filled out completely by the owner. Reference to previous applications are not permitted. The name of the vessel and its location must be filled out to get sticker.

Applicants shall declare their mooring an existing or new mooring.

3.5.1 Existing Mooring Applications

When an existing mooring application is completed and turned in, the Harbormaster's Office will provide the applicant with a numbered mooring sticker. The sticker number will be put on the application. Then that application shall be forwarded to the Harbormaster via his/her mail box.

The Harbormaster's Office will instruct the applicant to affix the sticker to their mooring ball above the water line.

3.5.2 New Mooring Applications

New mooring applications, again, require the applicant to fill out the form with desired mooring location(s) and all other information requested. The Harbormaster's Office will denote "new" on the application and then inform the applicant that their application will be sent to the Harbormaster for approval. The Harbormaster will then make a determination.

Stickers will only be given to existing moorings and new moorings that have been approved.

3.5.3 Waiting List

If in the judgment of the Harbormaster, there is not an available mooring location to accommodate an applicant's vessel or preference of location, and specific needs, then the Harbormaster shall place the applicant's name, application date, and vessel dimensions upon the appropriate waiting list. For the purposes herein, the Harbormaster shall maintain a waiting list for the assignment of all mooring locations. Applicants shall pay an initial fee upon the filing of a mooring application. The waiting list will be published on the Town of Fairhaven website.

3.5.4 Mooring Assignment

Subject to the physical constraints of an available mooring location, the Harbormaster will first offer a mooring location available for permanent or temporary assignment to the first person on the appropriate waiting list. If the available mooring location is not suitable in the judgment of the Harbormaster to accommodate the first-named applicant's vessel or specific needs, then the Harbormaster shall offer the mooring location to the next-named, qualified applicant. The applicant so-bypassed shall retain his/her relative position on the appropriate waiting list. An applicant who refuses an initial mooring assignment or who does not notify the Harbormaster of his/her acceptance and/or refusal of said location within 72 hours after receipt of the Harbormaster's notice shall retain his/her relative position on the permanent waiting list. An applicant who refuses a second mooring assignment or who does not notify the Harbormaster of his/her acceptance and/or refusal of said location within 72 hours after receipt of the Harbormaster's notice shall forfeit his/her relative position and shall be placed at the end of the permanent waiting list. Non-use of mooring will result in an applicable charge set forth in the fee schedule.

3.6 Renewal of Mooring Permit

Recreational and commercial mooring permits shall expire on March 31 and must be renewed by March 31 of the following year. A recreational and commercial permit holder must complete a new application with the Harbormaster's office by March 31 of each year noting any change in

the information pertaining to the “vessel-of-record” and permanent mooring system on file, including, with respect to a recreational permittee, whether the “vessel-of-record” will be used on the mooring during the upcoming summer season. There will still be an application fee for moorings unused (see fee schedule). After Harbormaster review, a permittee will be deemed to have renewed his/her application for a temporary mooring permit for the upcoming calendar year upon the payment of the annual mooring permit fee (see fee schedule). No mooring system, including anchor or ground tackle, may be altered to accommodate a vessel other than the “vessel-of-record” without the prior authorization of the Harbormaster. A mooring system so altered to accommodate a vessel other than the “vessel-of-record” without the prior authorization of the Harbormaster may be removed immediately by the Harbormaster at the owner’s sole expense and the mooring permit for that location will be revoked, and the mooring location will be reassigned.

3.6.1 Temporary/Seasonal Mooring Use

A permittee shall notify the Harbormaster if the “vessel-of-record” will not be on the mooring during all or part of the summer season because the vessel will be moored at a slip or on a dock, or for any other reason, including loss, layup, or sale of the vessel. If a mooring permittee fails to notify the Harbormaster by May 1 of any year that the “vessel-of-record” will not be on the mooring during the upcoming summer season, the non-use fee will be charged. Upon notice of an impending hurricane, a vessel using a mooring on a temporary/seasonal “permitted use” basis must vacate that location upon demand of the permit holder or Harbormaster.

3.6.2 Transfer

No recreational or commercial mooring permit or location may be sold, transferred, rented, swapped, assigned, relocated or bartered except as permitted and licensed herein. The holder of a recreational mooring permit may transfer his/her permit to an immediate family member upon the prior authorization of the Harbormaster. For the purposes of this regulation, an immediate family member shall include a parent, sibling, spouse, or child over the age of 18. If a recreational permittee sells, charters, or otherwise transfers or loses possession of the “vessel-of-record” identified in the relevant mooring permit, then the permittee may replace the vessel with another within two consecutive calendar years if the replacement vessel is judged by the Harbormaster to be suitable for that mooring location and system, and the permittee files an amended mooring application with the Harbormaster containing the pertinent information for the replacement vessel being proposed for that mooring location. If the Harbormaster determines that the replacement vessel is not suitable for the existing mooring location, then the permittee must file an application for a new mooring permit, as outlined herein.

3.6.3 Non-Renewal and Reassignment

If a mooring permit is not renewed for any reason, and the mooring location is reassigned by the Harbormaster, the former permit holder, or their heirs, may sell the mooring system, including anchor and ground tackle, to the new permittee. If the mooring system is not sold, then it must be removed immediately by the former permit holder, and if not, then the Harbormaster may remove the mooring tackle, and the costs associated therewith will be the obligation of the former permittee/owner.

3.6.4 Forfeiture of Mooring Permit

If a mooring is vacant, abandoned, or if there is a non-use of a personal mooring for a period exceeding two {2} years, the mooring permit will not be renewed and tackle will be removed at the Owner's expense.

3.7 Mooring Anchors and Ground Tackle

All mooring systems shall meet the minimum requirements set forth in Schedules A and B. These specifications may not be varied without the prior authorization of the Harbormaster.

Mooring tackle should meet the following requirements. Responsibility lies with the mooring permit holder to meet or exceed these guidelines, and to provide a mooring adequate for his/her boat in the location where the mooring is located. The mooring permit holder and the boat owner are responsible for the safety of the mooring, and the Town assumes no responsibility for damages.

3.7.1 Helix Anchor Systems

Helix anchors are preferred mooring systems and shall be installed to a minimum of torque equivalent to the required holding capacity for the vessel. Helix anchors may use high performance shock absorber type systems in lieu of chain systems. All proposed helix systems shall be reviewed by the Harbormaster for authorization. No portion of the helix anchor shall protrude from the sea floor more than one foot.

3.7.2 Steel Dead Weight Systems

A maritime expert deemed acceptable by the Harbormaster shall submit documentation of adequate holding capacity of the steel dead weight system for the vessel and mooring system in order to obtain authorization of the Harbormaster for the mooring system.

3.7.3 Minimum Hardware and Pennant Requirements

All shackles, swivels, fastenings and other hardware shall be galvanized; proportional in size to the chain used; and seized or wired properly to prevent pins from backing out. The maximum length of all pennants shall 3.5 times the height from the water line to the chock. Pennants shall be spliced and shackled to the bitter end of the chain above the mooring buoy. Thimbles shall be used in all splices. Adequate chafing gear shall be used on all pennants.

All moorings shall be constructed so that the chain passes through the mooring buoy. Mooring pennants must be connected to the chain above the float. Thimbles shall be used in all slices, fastenings, shackles, etc. Chafing gear at least 1 foot long shall be used on each pennant. Shackles shall be properly wired to prevent pins from backing out. Above specifications are minimum. In exposed areas, where appropriate, extra weight may be necessary.

Mooring Specifications

Protected Areas							
North of hurricane barrier, Jack's Cove, Round Cove, Nasketucket Bay North of Gilbert St.							
Vessel Length	Mushroom	Pyramid/Trainwheel	Concrete Block	Bottom Chain Size	Top Chain Size	Hardware size	Pennant Line Size
up to 15'	75 lbs	100 lbs	150 lbs	3/8"	3/8"	3/8"	7/16"
16'-20'	150 lbs	200 lbs	400 lbs	1/2"	3/8"	1/2"	7/16"
21'-25'	250 lbs	300 lbs	800 lbs	5/8"	1/2"	1/2"	1/2"
26'-30'	400 lbs	500 lbs	1500 lbs	3/4"	5/8"	5/8"	3/4" x 2
31'-40'	500 lbs	1000 lbs	2000 lbs	1"	3/4"	1"	3/4" x 2
41'-50'	1000 lbs	1500 lbs	3000 lbs	1"	3/4"	1"	1" x 2
Over 50'	As specified by the Harbormaster						
Floats and Docks	As specified by the Harbormaster						
Pennant	Mooring pennant length to be a minimum of 25% of the length of vessel. Maximum length is 50%.						
CHAIN LENGTH	Top chain length to be equal to depth of water at mean high water plus 5 (five) feet. Bottom chain length must be equal to 2 (two) times the depth of water at mean high water. Total mooring length of chain plus pennant, to be a minimum of 4 (four) times the depth of water at mean high water.						

Exposed Area							
South of hurricane barrier, General Anchorage A, Wilbur's point to West Island, North Cove, Seaview Ramp South of of Gilbert St.							
Vessel Length	Mushroom	Pyramid/Trainwheel	Concrete Block	Bottom Chain Size	Top Chain Size	Hardware size	Pennant Line Size
up to 15'	150 lbs	200 lbs	500 lbs	1/2"	3/8"	3/8"	7/16"
16'-20'	250 lbs	350 lbs	800 lbs	5/8"	1/2"	1/2"	1/2" x 2
21'-25'	500 lbs	750 lbs	1500 lbs	5/8"	5/8"	5/8"	5/8" x 2
26'-30'	750 lbs	1000 lbs	2000 lbs	3/4"	3/4"	3/4"	3/4" x 2
31'-40'	800 lbs	1,500 lbs	3000 lbs	1"	1"	1"	3/4" x 2
41'-50'	1500 lbs	2,000 lbs	4000 lbs	1"	1"	1"	1" x 2"
Over 50'	As specified by the Harbormaster						
Floats and Docks	As specified by the Harbormaster						
CHAIN LENGTH	Top chain length to be equal to 2 (two) times the depth of water at mean high water. Bottom chain length must be equal to 2 (two) times the depth of water at mean high water. Total mooring length, chain plus pennant, to be a minimum of 5 (five) times the depth of water at mean high water.						
Pennant	Mooring pennant length to be a minimum of 25% of the length of vessel. Maximum length is 50%.						
Mooring Construction	Moorings are to be constructed so that chain runs through a float at the surface. Mooring pennants must be connected to the chain above the float. Thimbles shall be used in all splices, fastenings, shackles, etc. Chafing gear at least 1 (one) foot long shall be used on each pennant. Shackles shall be properly wired to prevent pins from backing out.						
Note:	All specifications above are minimum requirements.						

Example: Minimum mooring inspection information					
Mooring component	Nominal Size	Length	Maximum wear measured (maximum allowable wear 30%)	Within Spec? Yes / No	Notes
Pennant	5/8"	15'	9/16" cleat eye	Y	chafe gear shows wear
Shackle	5/8"	n/a	1/2"	Y	
Mooring Float	18"	n/a	none detected	Y	> 1/2 floats above water surface
Top Chain	1/2"	30'	7/16"	Y	
Shackle	1/2"	n/a	7/16"	Y	
Swivel	5/8"	n/a	3/8"	N to Y	center worn to 3/8"= replaced
Shackle	5/8"	n/a	1/2"	Y	
Bottom Chain	5/8"	25'	1/2"	Y	
Shackle	3/4"	n/a	5/8"	Y	
Mooring Eye	1"	n/a	7/8"	Y	
Mooring Type	350lb. Mushroom	n/a	n/a	Y	Moderate corrosion
Inspection form to be completed by Inspector					

3.8 Inspection, Care, and Maintenance

The inspection, care, and maintenance of mooring tackle, including mooring, chain, buoy, pennant, and associated swivels, shackles, thimbles, and eye splices, are the responsibility of the permittee. All moorings must be inspected every three years with an inspection report containing, at minimum, the detail outline in the Mooring Inspection Information example provided within these regulations. This report, with detail of compliance, must be submitted to the Harbormaster. Vessels over the size of 26 feet, as well as all commercial moorings and moorings for commercial vessels, must be inspected by a certified mooring inspector approved by the Harbormaster. Reports must be forwarded to the Harbormaster, at the expense of the permittee. The permittee will be notified at the time of annual renewal when the mooring tackle is due for inspection. An inspection must also be performed before any reassignment. After reassignment, an initial inspection shall be made with an inspection report of compliance or non-compliance submitted to the Harbormaster within seven days after inspection.

3.9 Use by "Vessel-Of-Record"

No person will secure a vessel on a mooring except the "vessel-of-record" without prior written authorization of the Harbormaster.

3.10 Emergency Provisions

In an emergency, the Harbormaster may assign a vessel to a vacant mooring as long as the assignment does not interfere with the use of that mooring by the "vessel-of-record."

3.11 Mooring Buoys and Markings

All mooring locations shall be identified with mooring buoys of distinctive colors and markings approved by the Harbormaster. All mooring permit numbers are permanently assigned. The number will not change from year to year. Mooring buoys shall be commercially made and

marked with the mooring registration number assigned to that mooring location. All markings on mooring buoys shall be block characters of at least 1 inch in height and must contrast in color with the background permanently attached or painted thereon and visible and legible whether or not the mooring is in use. Other mooring ball systems may be used only upon approval of the Harbormaster. Kegs are not allowed as mooring buoys.

3.12 Swim Floats and Rafts

All swim floats or rafts require a mooring permit (one permit per anchor). Applications for such structures shall be subject to the same permitting procedures contained herein and shall be subject to these regulations and all other applicable federal, state, and local laws, regulations, and rules.

3.13 Miscellaneous

The Harbormaster may allow dry sailing of small boats from floats or rafts on a case-by-case basis.

3.14 Mooring Stakes/Trolley Poles

All mooring stakes and any type of pulley or trolley system require a mooring permit. Applications for such structures shall be subject to the same permitting procedures contained herein and shall be subject to these regulations and all other applicable federal, state, and local laws, regulations, and rules.

3.14.1 Winter Stakes/Sticks

Without prior authorization of the Harbormaster, winter stakes shall be installed no later than November 15 of each year at all mooring locations. Winter stakes must be set in such a way that they do not lay flat on the water surface and shall be readily visible above the water at all times when installed with a minimum of 18 inches visible above the water line. Winter stakes must have the mooring registration number assigned by the Harbormaster visible and legible. Winter stakes must be removed from all mooring locations between by June 1. If a winter stake is not removed by June 1, it may be removed immediately by or at the direction of the Harbormaster and the costs associated therewith shall be the responsibility of the permittee. If an otherwise non-conforming winter stake is not removed within 14 days of notice by the Harbormaster, or the costs of removal are not paid within 14 days of demand, then the winter stake and mooring location shall be deemed abandoned and the winter stake disposed of in accordance with applicable law and the mooring permit for that location will be revoked. Nothing contained herein shall constitute an assurance or obligation that the Harbormaster shall remove such winter stake, and the obligation to do so and the liability arising therefrom, shall remain that of the permittee.

3.15 Permit Fees

Annual mooring permit fees are due and payable on March 31 of each calendar year. An additional late mooring registration fee, according to the fee schedule, is required to continue a mooring permit if the annual mooring permit renewal form and fee is not received by the Town by March 31 of any year. Permit fees and late penalties, if unpaid for more than 90 days from the

due date of March 31 in any year will cause the Harbormaster to revoke the mooring permit. Any mooring system not removed within 30 days thereafter may be removed by the Harbormaster at the owner's sole expense.

3.16 Right of Appeal

Any person aggrieved by a refusal to permit such temporary mooring, or by any condition or restriction imposed relative to such mooring, may have the right of appeal to the Board of Selectmen under MGLs.

3.17 Mooring Use during Storm Conditions with Winds of 40 mph or More

In storm conditions, all vessel owners with a mooring are urged to remove their vessel from their mooring in high wind conditions. They are encouraged to check with their insurance company to see if they will pay for all or part of the haul fee. They are also urged to check that their liability insurance will cover any damages to their vessel or damage done to another vessel or property if it was to break free from their mooring.

INSERT TEXT ON INDEMNIFICATION / LIMITS ON LIABILITY WITHIN MOORING APPLICATION – TOWN COUNCIL TO PROVIDE

Non-permitted vessels tied to moorings in Fairhaven waters may be removed by the Harbormaster at the expense of the vessels owner. The owner will be responsible for towing and storage charges. All charges must be satisfied before the vessel is released.

Owners of moorings that allow another vessel to use their mooring during storm conditions may have their permit revoked and not reinstated the following year.

Owners are encouraged to haul their vessel under storm conditions.